IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2763 OF 2005

Shri. Datta Sahakari
Grahak Sanstha. . .. Petitioner.

vs.

The State of Maharashtra
& Ors. .. Respondents.

Mr. Amit Sale for petitioner.
Mr. M.H. Solkar, AGP., for respondent.

CORAM : S.U. KAMDAR, J.
DATE : 28th November, 2005.

P.C.:

. The order of the Minister permitting the ration shop in favour of the respondent no. 4 is under challenge. The only ground of challenge is that the petitioner is running a ration shop with 3999 units and under the resolution new shop can be directed to be opened only if there are more than 4000 units. The petitioner having another shop in the said area does not want a competition to reduce his unit. According to the respondent no. 4 there are more than 4000 units. In my opinion, even if

the case of the petitioner is correct merely because the units are less the Government is not powerless to allot the ration shop. The resolution itself permits the Government to allow the opening of the shop even if there are less than 4000 units. In the impugned order the Minister has come to the conclusion that there is a demand from the villagers and considering the same the respondent no. 4 has been permitted to open a shop. I do not find any irregularity or illegality in the order passed by the Minister and, therefore, the petition fails and the same is dismissed accordingly. No order as to costs.